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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,124	08/06/2003	Brett M. Belongia	MCA-657 US	2080
25182	7590	05/08/2006	EXAMINER	
MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821			JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,124

Applicant(s)

BELONGIA ET AL.

Examiner

J. Casimer Jacyna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 12-14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Akai et al. Akai discloses a dispenser cartridge 32 that is capable of being installed into a dispensing apparatus as claimed with the dispenser including a reservoir 34, an inlet 42, an outlet 41, a fill tube as is the lower portion of 44 that extends past 45, a means for gating gas 61 and a fill valve 45. In regard to claim 19, the cross sectional symbol used in Akai show the tank to be made of metal

3. Claims 1, 5, 11, 13-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyes et al. (5,480,063). Keyes discloses a dispenser cartridge 12 that is capable of being installed into a dispensing apparatus as claimed with the dispenser including a reservoir enclosed by 12, an inlet 14, an outlet 24, a fill tube 20, a means for gating gas 40 and a fill valve 30. In regard to claim 19, the cross sectional symbol used in figure 6 of Keyes shows the tank 40 to be made of metal.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akai et al. in view of Healy. Akai discloses a dispenser with a vent to

an aseptic area 11 substantially as claimed but does not disclose the use of a polyethylene filter. However, Healy teaches the use of polyethylene filters in vents (see col. 3, lines 31-58), for the purpose of preventing the spread of contaminants.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Akai with a polyethylene filter as, for example, taught by Healy in order to prevent the spread of contaminants.

6. Claims 2, 4, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akai et al. in view of Wade. Akai discloses a dispenser with a vent to an aseptic area 11 substantially as claimed but does not disclose the use of a Teflon filter. However, Wade teaches the use of Teflon filters in dispensing vents 21, for the purpose of preventing the spread of contaminants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Akai with a Teflon filter as, for example, taught by Wade in order to prevent the spread of contaminants.

7. Claims 2, 3, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (5,480,063) in view of Healy. Keyes discloses a dispenser with a vent to atmosphere 40 substantially as claimed but does not disclose the use of a polyethylene filter. However, Healy teaches the use of polyethylene filters in vents (see col. 3, lines 31-58), for the purpose of preventing the spread of contaminants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Keyes with a

polyethylene filter as, for example, taught by Healy in order to prevent the spread of contaminants.

8. Claims 2, 4, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (5,480,063) in view of Wade. Keyes discloses a dispenser with a vent to atmosphere 40 substantially as claimed but does not disclose the use of a Teflon filter. However, Wade teaches the use of Teflon filters in dispensing vents 21, for the purpose of preventing the spread of contaminants. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Keyes with a Teflon filter as, for example, taught by Wade in order to prevent the spread of contaminants.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes et al. (5,480,063) in view of Tan et al. Keyes discloses a dispenser with a vent to atmosphere 40 substantially as claimed but does not disclose a pressure release valve. However, Tan teaches the use of a pressure release vent 18, for the purpose of maintaining a slight pressure on the reservoir to assist in dispensing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the dispenser of Keyes with a pressure release valve as, for example, taught by Tan in order to maintain a slight pressure on the reservoir to assist in dispensing.

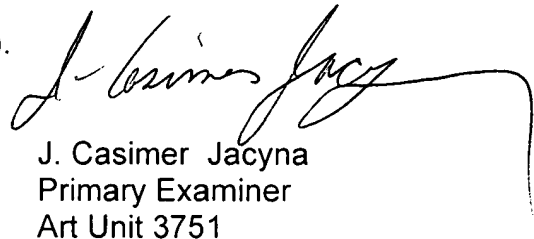
Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-

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4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ